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In re Application of
TRANTAFYLLOU, Markos
Application No.: 10/031,296
PCT Application No.: PCT/EP99/04291
International Filing Date: 21 June 1999
Priority Date: 27 June 1998
Attorney Docket No.: SC0704EM
For: ELECTRONIC PACKAGE ASSEMBLY

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 21 September 2000 is **DISMISSED**.

BACKGROUND

On 21 June 1999, applicant filed an international application, No. PCT/EP99/04291, which claimed a priority date of 27 June 1998. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 January 2000. The deadline for entry into the United States National Stage was twenty months from the priority date, that is 28 February 2000 (27 February 2000 was a Sunday).

On 21 September 2000, applicant filed a Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) accompanied by, *inter alia*, a copy of the international application.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required as application was filed on 21 June 1999. However, neither the appropriate petition fee nor the proper reply, i.e. the basic national fee has been submitted.

CONCLUSION

For the reasons listed above, the petition to revive the application abandoned under 37 CFR 1.137(b) is **DISMISSED** as to the National Stage in the United States of America.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

The application remains **ABANDONED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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